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Vincent, Thomas

Deceased wife's sister's bill

London

1882

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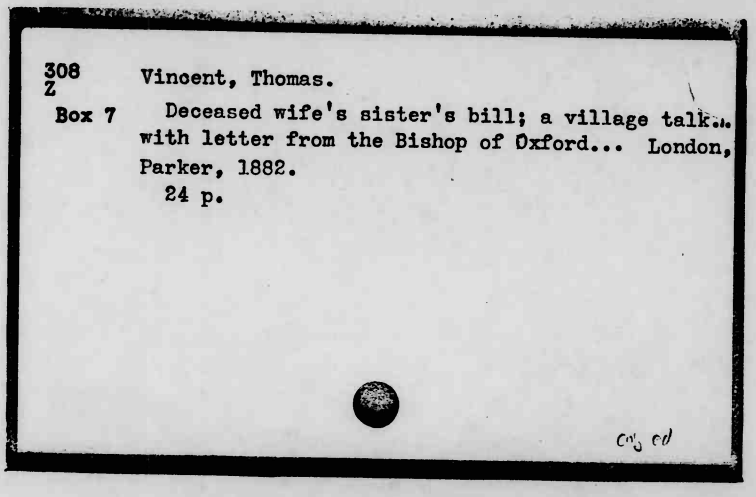

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DECEASED WIFE'S SISTER'S BILL.

A Village Talk.

308
I
Box 7

BY

THOMAS VINCENT, M.A.

RECTOR OF PUSEY.

WITH LETTER FROM THE BISHOP OF OXFORD.

SIXTH THOUSAND.

PARKER AND CO.
6 SOUTHAMPTON-STREET, STRAND, LONDON.
1882.

PRICE ONE PENNY.

THE following letter, in regard to this tract, was received by Mr. Vincent from the LORD BISHOP OF OXFORD, and is published with his Lordship's permission:—

Cuddesdon Palace, March 21, 1882.

MY DEAR MR. VINCENT,

I heartily hope that your Tract will have a wide circulation. It is a matter of surprise to me that the persons who advocate a change in the Law of Marriage do not see that they have never replied to the chief arguments urged against them. They do not seem to understand that their own reasoning requires a much larger change than their Bill provides for. I wish that they could all read your Tract, and appreciate its force.

I am, yours sincerely,

J. F. OXON.

DECEASED WIFE'S SISTER'S BILL.

GEORGE—looking at a newspaper in the Village Reading Room at ——. So I see they are going to bring on that "Deceased Wife's Sister's Bill" again. I can't think what people can want with altering our marriage laws, which have been our marriage laws ever since the reformation of the Church of old England: yes, and as I've heard the Parson tell us, the marriage laws of the Church from the beginning. Why what's been believed *wrong*, and counted against God's law, from the Apostle's day till this, can't be made *right* now by an Act of Parliament.

James.—There's something in what you say, George, but I don't look at it just as you do. It's very true our Church of England has always said it is wrong for a man, if his wife dies, to marry his wife's sister. But it isn't so said by some other Protestant countries abroad as I've heard say: and some of our colonies too, they say, have made it lawful now. And it seems wrong to have different laws in our colonies from what we have here. That a man may marry his wife's sister out in Australy, but mustn't do it here.

George.—Well, James, in a matter of right or wrong, I suppose you'll allow,—if a thing is wrong, we mustn't do it, no matter how many countries or people there may be who do?

James.—No, we mustn't. But I don't see why *they* should be wrong, and *we* right.

George.—Of course, they're not bound to be wrong, nor we to be right; but I think I can show that we are right here any way, and they wrong. And first of all those Protestant countries abroad have done some odd things, as I think, besides this. And on this matter of marriage their great leader—and he was a great man many ways—their great leader, Luther, seems to have been more worldly wise than true to God in this matter of marriage. Why, he let a man, who was a prince, have more than one wife at a time. Now I think that you don't want to defend him in that.

James.—No. I have heard of that before, and I never could think how he could have done so.

George.—No, nor I neither, nevertheless he did, so we'd best not be troubling ourselves with what others are doing; but just consider what is right or wrong in the matter.

James.—Well, but I don't see that there is

ENGLAND'S ANCIENT MARRIAGE LAW.

"*Videant Consules* (*dent Magistratus, &c., operam, provideant*) *ne quid Respublica detrimenti capiat.*"

You are earnestly requested to read carefully the accompanying pamphlet, which contains a Scriptural argument in defence of England's Marriage Law, and if you cannot refute it, then in the Name of Him whose Word and Will should be our guide, you are implored to use your high influence and power to uphold and preserve the right and just cause of the happiness and purity and welfare of our English homes and hearths against social damage and disturbance.

anything wrong in the matter. I've looked at the Bible where it says what relations we are not to marry, and I can't see that it says we are not to marry a wife's sister, if our wife dies, and she has a sister. It seems to me a most natural thing, and I can't see that it's forbidden; and, as I've often heard say, "there's no *blood* between them."

George.—It seems to me that there's a good many more points than one to be considered in what you've just said, James. And, first of all—Suppose you and I differ in what we understand God's word to mean—Who's to say which of us is right?

James.—Well, but I only want to go by what the Bible says.

George.—And so do I. But sometimes people understand it differently—as you and I on this very matter. Who's to decide then?

James.—Well, I don't quite see.

George.—I think I do. Do you recollect what St. Paul said of the Church when he wrote to Timothy the first time (1 Tim. iii. 15)? He called the Church "the Pillar and Ground of the Truth." Anywise he meant *something* when he said that. And I don't see what he could mean, unless he meant that

the Church was, as it were, the *stay* and prop of the truth: and that when we differed as to what God's word meant, we were to look to the Church, to see how she took it. Howsoever, let that be just now. I believe that a great deal more may be proved out of God's Word direct than some people think, and more a good deal than many people like, if we only look carefully into it, and try to see what it means, and not only what we wish it to mean. And now suppose you and I try to do this, and leave what you say about the wife's sister being likely to care most for her sister's children, and its being "natural," and all that, till afterwards.

James.—Very well, George, but I've looked over those chapters a score of times, and I don't see how you can make out that it's wrong, by what you'll find in them.

George.—Well, let's set to work, and first of all, as it's very puzzling to be looking backwards and forwards, first at the Bible, and then at the Church "Table of Kindred and Affinity," as they call it, let's begin by taking those tables and marking down on a piece of paper, in three separate rows: First, a man's own relations by "blood," as his mother or sister; then, secondly, his *own* relations

by "affinity," as his father's wife, his son's wife, &c.; then, thirdly, his relations by "affinity," through *his wife*, as his wife's mother, his wife's daughter, &c. And in the same way a woman's relations in three more columns.

Then we will take the xviiith and xxth chapters of Leviticus, and, as we read down each relation forbidden, we'll draw a line under it where it stands in the columns; and when we find it named a second time, as many are, we'll draw a second line; and if it is mentioned a third time, as you'll find one to be, we'll draw a third line; and then we'll put figures under these lines, to shew what chapter and verse forbids either the man or the woman to marry such or such a relation.

George and James do this very carefully, and look it over more than once to see that every degree is put down which is noted either in the Bible or the Prayer-book; and they find all correct; but they notice that they have two more degrees marked on the man's side than they find in the Prayer-book; they soon, however, see that this is only because the Bible speaks of a man's sister under three separate forms, while the Prayer-book includes the three in the one form "sister."

Blood.	Affinity.	
Own Relations.	*Own Relations.*	*Wife's Relations.*
Grandmother	Grandfather's Wife ...	Wife's Grandmother
Aunt: Father's Sister ... ... (xviii. 12; xx. 19)	Father's Brother's Wife (xviii. 14; xx. 20)	Wife's Father's Sister
Aunt: Mother's Sister ... ... (xviii. 13; xx. 19)	Mother's Brother's Wife (xx. 20)	Wife's Mother's Sister
Mother ... ... (xviii. 7)	Father's Wife .. ... (xviii. 8; xx. 11)	Wife's Mother
Daughter	Son's Wife ... (xviii. 15; xx. 12)	Wife's Daughter (xviii. 17; xx. 14)
Sister (xviii. 9): Father's Daughter ... (xviii. 9, 11; xx. 17)	* See note on p. 9.	
Sister (xviii. 9): Mother's Daughter ... (xviii. 9; xx. 17)	Brother's Wife ... (xviii. 16; xx. 21)	Wife's Sister
Granddaughter: Son's Daughter ... (xviii. 10)	Son's Son's Wife ...	Wife's Son's Daughter (xviii. 17)
Granddaughter: Daughter's Daughter (xviii. 10)	Daughter's Son's Wife ...	Wife's Daughter's Daughter (xviii. 17)
Niece: Brother's Daughter ...	Brother's Son's Wife ...	Wife's Brother's Daughter
Niece: Sister's Daughter ...	Sister's Son's Wife ...	Wife's Sister's Daughter

A single line ——— under a degree of relationship signifies that it is mentioned but once. A couble line ═══ that it is mentioned twice. Three lines ═══ that it is mentioned three times. No underlining or reference means that it is not mentioned at all, but more or less directly implied by the analogy with relationships which are prohibited by name.

The figures refer to the xviiith and xxth chapters of Leviticus.

Blood.	Affinity.	
Own Relations.	*Own Relations.*	*Husband's Relations.*
Grandfather	Grandmother's Husband	Husband's Grandfather
Uncle: Father's Brother ... (xviii. 14)	Father's Sister's Husband	Husband's Father's Brother
Uncle: Mother's Brother ...	Mother's Sister's Husband	Husband's Mother's Brother
Father ... ... (xviii. 7)	Mother's Husband ...	Husband's Father
Son	Daughter's Husband ...	Husband's Son
Brother	Sister's Husband	Husband's Brother
Grandson: Son's Son	Son's Daughter's Husband	Husband's Son's Son
Grandson: Daughter's Son ...	Daughter's Dhtr's Husband	Husband's Daughter's Son
Nephew: Brother's Son ...	Brother's Dhtr's Husband	Husband's Brother's Son
Nephew: Sister's Son ...	Sister's Dhtr's Husband ...	Husband's Sister's Son

* In the previous editions, "Father's Wife's Daughter" was inserted here from Lev. xviii. 11. It has been removed because it only refers (under a new title) to, and prohibits marriage with, a *half*-sister, already forbidden in ver. 9. The line and reference under "*Daughter*" (p. 8), and "*Son*" (p. 9), have also been removed, as it has been pointed out that, although directly implied by the prohibitions of "*Mother*" and "*Father*," they are not actually named in these chapters.

George.—There, now it's done, and we can see at one look what is forbidden by the words of the Bible, and what is not.

James.—Yes, I never thought of putting it all out in this way before. It does make it clear, that it does! But—after a steady look—what a many more relations are put down in the Prayer-book than are put down in the Bible! Well I shouldn't have thought to find it so.

George.—Well, I hope to show you a little more than that presently. But first let me ask you—Which way are we to understand what *is* noted from those two chapters of Leviticus? Are we to understand that what is forbidden in the very letter, *that is forbidden,* and *that only:* and everything else allowed? Or, are we to take what is forbidden, and say, 'this is not lawful, *nor any relationship of the same nearness.*' And 'when one is forbidden to the man, *the same in degree is forbidden to the woman?*' This is called taking it in the *spirit.* The first way is called taking it in the *letter.*

James is a little puzzled; he sees at once that there are many more underlinings on the

man's side than on the woman's. While he hesitates, George breaks the silence, and says:—Well, James, I think you look a bit puzzled; but let me remind you, you can't have it *both ways.* I mind an old saying, "you can't eat your pudding, and have your pudding:" you can't tie me down to the *letter* when it seems reasonable to you, and borrow a bit of the *spirit* from me when the letter alone would seem unreasonable. Which way will you take the chapters, by the *letter* or by the *spirit?*

James is still silent, for now he sees a few more difficulties.

George.—Suppose I take it each way for you, and, first, as I'm speaking, let us take it my way of looking at it—by the *spirit.*

Now, first, it seems to me, *we* are *bound* to take these chapters by their *spirit;* because, as members of the Church, haven't we promised "to keep God's holy *will,*" as well as His Commandments? And how are we to gather what is *His will,* when it is not expressed in command, unless we gather it from the spirit of what is commanded? If we

do this, then it follows that we are bound to keep away from, not only all unions which are forbidden by name, but from those also which are of the same kind of nearness, either in "blood" or "affinity," even although they are not mentioned. Moreover, we must allow that when a relationship forbids a man to marry a woman, the *same degree* of relationship, though it is not named, forbids a woman to marry a man.

James.—Well, I own I don't see how a man is to get out of that, that is, if we are to go by what you call the *spirit* of these chapters; but mind you, I don't grant that we are.

George.—Very well, let that bide at present, I don't want to shirk it, mind ye, but I think we shall come better to that point presently; let's go on now as I was going. Let's see what these chapter's mean if we take them my way—in the spirit. You will own then, I suppose, for argument's sake, that, if they are to be understood in the *spirit*, we are bound not only to keep off from those relations which are forbidden (whether of blood or affinity), but also from all relations of the same degree

of nearness; and also that whatever degree is forbidden to a man, the same is forbidden to a woman. You will allow that?

James.—Yes. I don't see how a man is to get off owning that, *i.e. if we go by the spirit.*

George.—Well, then, in that case, the thing seems to me to be settled at once.

James.—How?

George.—I'll tell ye. Look here in Lev xviii. 16, and xx. 21, a man is told flat he must not marry his "brother's wife." Well, now—Ain't a sister's husband the same relation to her?

James.—There is no denying that.

George.—Well, then, you own that as I take it a woman mustn't marry her "sister's husband," and that is the same as saying a man mustn't marry his "wife's sister."

James.—I see that, taking it your way; but then it seems to me there isn't any *blood* between them.

George.—No, neither is there any *blood* between a man and his brother's wife; but that's not the point. The point is, the Bible says a man is not to marry his "brother's wife."

And so I hold it means a woman is not to marry her "sister's husband."

James.—Well, in your way of taking it, I own that seems right enough. But how do you get out of this: the Bible does say *here* that a man is not to marry his "brother's wife," and yet it says in Deut. xxv. 5, that if a man dies and leaves no child, then his brother *shall* take the dead brother's wife?

George.—Yes, we all know that, that was for one great reason, and for that *one* only: that before the Saviour came no family might seem cut off beforehand from the blessing of having that Saviour born in his family. But this *one*, and mind ye, *only one* exception, makes the rule, to my mind, all the tighter in every other case.

James.—Well, there you seem right again, on your own grounds. But how will it be if you go upon mine, and say nothing is wrong but what is forbidden in actual words?

George.—Well, if you keep to that, I think you'll find yourself in no end of difficulties. So let's begin. First of all, when you look at all those degrees which the Church forbids,

marked underneath where the Bible forbids, you'll see at once that while a great many are forbidden to the man (*sixteen* altogether) there are only *two* forbidden to the woman. So that if you go by the *strict letter* only, you get into this difficulty at once, viz., that a woman may marry many men who may not marry her! How do you get over that?

James.—No, No, that's quite *folly*, the Bible never could mean that. If a man is forbidden to marry any woman, that woman must be forbidden to marry him.

George.—And so say I. But you must mark that's taking it my way, by the *spirit* of it; not by the *letter:* and mind ye what I said a time back, you can't have it *both* ways; yours when the letter suits you, and mine when it doesn't. Howsoever, I won't be that hard upon you, as to tie you down so close as this. I have plenty more difficulties for you yet. I'll take now only what is said about the man. Look again, you'll see a man is not forbidden to marry his grandmother, though he is forbidden to marry his grand-daughter.

James.—Well, but he is, as you say, for-

bidden to marry his grand-daughter, and she is the same relation to *him* as *he* is to his grandmother; and he is forbidden to marry his mother; so much more I should think his grandmother.

George.—Easy, James, easy! That's all very well for me to say, taking it my way; but it won't do for you to say, taking it by the *letter;* you can't, as I said, "Eat your pudding, and have your pudding." If you *hold* to the *letter*, you must *keep* to the letter, and you must let a man marry his grandmother—if he and she be willing—yea, and his grandfather's wife, his wife's grandmother too!!

James.—Oh! That's nonsense.

George.—And so say I; and a great deal worse than nonsense too; but it's what you must come to if you go by the letter, and the letter only. But I have something more for you: a man is not forbidden to marry his *own niece*, or his *own grand-daughter-in-law;* and yet he is forbidden to marry his *step*-grand-daughter, i.e. his "wife's son's, or daughter's daughter." Now,—mark you—all these are *three* steps or "degrees" off a man, but in the

first case (the niece), the steps are all steps of *blood;* in the second, two of *blood* and one of *affinity;* in the third, all the *three* are of *affinity*. The Bible could never mean that a man might marry within *three* degrees of *blood*, while he might not marry within *three* degrees of *affinity:* that would not be sense.

James.—Well, I must own I never thought all this out before; and I own I do seem beat; I only thought of that one case which has been so often brought before us, the "wife's sister," and I never thought of all that followed with it. But you, George, was always given to musing. I see now, clear enough, when you come to take these chapters by the *letter* only, you do seem to get into difficulties which you can't clear away, and I see there are more still than you have named. But when you take them as you do, and as the Church of England takes them, then it all does seem reasonable enough.

George.—I think so too, and now with regard to relations by "blood," and "affinity." Some of our great Parliament leaders have told us that relations by "affinity" are no real

relations. One of them, a great Minister of State, has said openly "my wife's relations are not my relations." Now I hold that saying to be a *great untruth* covered with a *painting of truth.* His wife's relations are not his *blood* relations, here is the painting of truth; but they are his *relations* in the sight of God, as relations by affinity; and for the purposes of marriage restraints, as God's Word shows over and over again; and therefore to say they are *not his relations* is a great *untruth.*

Look, again, at those tables (on pages 8, 9), you will see that while God has expressly forbidden marriage between *seven* cases of blood-relations, He has forbidden *nine* cases of affinity. And if you count the number of lines you will find that the cases of blood-relations are forbidden in *twelve* places, while the cases of affinity are forbidden in *fifteen.*

James.—Aye, it is so. And I can't get out of that; and, to be honest, I must own that it seems not only as if God counted relations by affinity the same as relations by blood, but that He seems to have foreseen how men would try to make out as though they were

not, and so He was all the more strict in naming them; naming the larger number, even two-thirds of them, twice over.

George.—Yes, I quite think with you there, and if you look in Lev. xviii. 14, you will find an uncle's wife, a relation only by affinity, forbidden because "she is thine aunt," so counted by God as near as if by blood. And more than this, you mind it was said in Genesis of the man and his wife "and they shall be *one flesh*" (Gen. ii. 24); and how our Lord in the Gospels makes that "and they *twain* shall be *one* flesh," and strengthens this by adding, "Wherefore, they are no more *twain*, but *one* flesh," *i.e.* in the sight of God. Whosoever then are *flesh* relations to the wife, are now, in God's sight, *flesh* or blood relations to the husband; and those of the husband to the wife, and so we can't wonder that God's law forbids in the *letter* even more relations by affinity than by blood, and in the *spirit* forbids each alike.

But I mind you said it was so "natural" to think a wife's sister would make the best mother to her sister's children, and I said I

would come to that in time. Well, now I ask how is she likely to be a better mother to them if she marries their father, than if she remains his sister? Suppose she marries—What more likely than that she soon has children of her own? Is she likely to be a better mother to her sister's children *then* than she would be if she had none of her own? "Human nature is human nature," and weak enough at best! Very like, I think, she'd love her own better than her sister's. Leastwise she couldn't do so much for her sister's as before.

James, musingly.—May be, it would be so.

George.—And then as to "natural," take another case. Sometimes two brothers marry two sisters, that's not uncommon, I've known such cases more than once, and I daresay you too. Well, now, suppose one brother dies, and one sister, each leaving children, according to that "natural" way of argument—who could better father and mother the two families at once than the remaining brother and sister? Why should they not marry? That's a stronger case by the "natural" way of argument, James, than the other, isn't it?

James.—Yes, certainly it would be.

George.—But what do we come to then? Why we come dead up against the very *letter* of God's Word, that says, as you recollect, twice over, "a man shall not marry his brother's wife." We've seen already that the "natural" argument won't hold in sense; and now we see, that if we go along with it, it would bring us dead up against God's *Own* Word. And no wonder: God's Word was written, among other reasons, to restrain the *natural man* from going contrary to His will, and to instruct him how to become a "new man," a spiritual man, what, in short, a child of God, and now a "member of Christ" ought to be.

James.—But there's one thing which puzzles me yet, and that is this 18th verse of Lev. xviii., where a man is told not to take a "wife to her sister, to vex her, to marry her beside the other in her lifetime." That seems as if to say he may take her when the first is dead.

George.—Look again, James, what do you find said in the margin?

James.—Why the margin says it may be rendered, "one wife to another."

George.—Just so, it's one of those passages about which our translators couldn't feel sure which was the truest way of rendering the Old Hebrew into English; specially because the words "brother" and "sister" were used so very widely by the Jews. But I've heard say that the men who know Hebrew best take it as it is in the margin, and count it as a law against having more wives than one at a time. But then you'd say that many of the great men among the Jews, as David and others, did have more wives than one: they did, but it was not agreeable to God's will, and seemed only allowed, like their *divorces*, as our Lord Himself tells us these were "for the hardness of their hearts."

Moreover, that verse may likely enough mean that if a man (when more wives than one were in a way permitted) did take a second or more, he was not to do so to "vex" the first, *i.e.* I suppose, against her will.*

* There is strong reason for believing that this is not only a *possible*, but that it is the *real* intent of the passage.

You recollect when Abraham took Hagar it was not against the will of Sarah, but at her desire. So, again, when Jacob had two wives, it was not because he wished it, but because he was cheated into it, and when he took two more it was each time at the request of one of the two first.

And, moreover, if a man is told not to do a thing at one time, he is not, as a matter of course, allowed to do it at another: unless it is distinctly so stated; which is not the case here.

There is a point yet about which, I think, we shall do well to trouble ourselves a little more, and that is the *cruel wrong* it would do to thousands and thousands of families, and to tens of thousands of pure-hearted women throughout the whole country, if this Bill was to pass. Now only think—just because a few rich people want to marry their "wives' sisters" against what our Church has always held to be the *will of God;* and as we have seen, truly so held;—If this Bill was to pass, at one sad blow "sisters-in-law" would to all intents and purposes be *abolished;* no man in the land could any longer have a *real sister-*

in-law. No wife could enjoy the comfort of a sister's presence in her home, and see her husband show her a brother's love, without the possibility of feeling that the sister might be stealing away her husband's affections from her. No widowed husband could venture to accept, what often now is so great a blessing, the watchful care of a sister-in-law over his motherless children; because intimacy, with the power of marriage, would tempt to marriage against his conscience, or lay him open to suspicion. And poor simple-minded, unlearned people would be led into sin without seeing their danger, because it would be covered over by an Act of Parliament. A cruel wrong would be done to the many by yielding to the unsanctioned desires of a few.

A multitude more wrongs, and much more harm would come of passing such an "Act." But our talk has been already long, so at least for the present we will say "goodbye," and pray that our country may never so sin against God as to pass this Bill.

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